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POSSIBLE CHINESE CHARGES, AND SOVIET COUNTERCHARGES, CONCERNING VIOLATIONS OF THE SINO-SOVIET TREATY AND AGREEMENTS OF AUGUST 14, 1945

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FOREWORD

The present paper is occasioned by the strong possibility that the Chinese Government may in the near future bring before the General Assembly of the United Nations charges that the USSR has violated the Sino-Soviet Treaty and Agreements of August 14, 1945 and that these violations constitute a threat to world peace. The points listed in this paper are given as examples of Soviet actions in China that the Chinese Government might interpret as violations of the treaty and as examples of Chinese actions that the Soviet Government might utilize in presenting countercharges of Chinese violations. It is not implied that evidence of these actions is in all cases adequate or that such actions necessarily constitute violations of the letter of the Sino-Soviet Treaty. They are listed solely because the Chinese and Soviet Governments may cite them in support of their respective cases before the United Nations. In order to place the Soviet and Chinese actions in the proper context, a description of the present status of the major provisions of the treaty and agreements is included in this paper.

SUMMARY

The principal provisions of the Sino-Soviet Treaty and Agreements of August 14, 1945 have not been implemented in accordance with the spirit of the treaty for various reasons, including Soviet actions in Manchuria, China proper, and Outer Mongolia and the inability of the Chinese Government to assume its responsibilities under the treaty because of Soviet policies, the civil war, and the reluctance of the Chinese Government to lend sanction to Soviet actions in Manchuria. If the Chinese Government should charge before the United Nations that the USSR has violated the treaty and thereby threatened world peace, it is likely that China's case will emphasize the failure of the USSR to honor the agreements concerning the Chinese Changchun Railway, Dairen, Port Arthur, and Outer Mongolia, as well as other alleged Soviet violations of Chinese sovereignty and territorial integrity. The USSR is likely to reply to such charges by citing the inability of the Chinese Government to exercise *de facto* authority over Manchuria and large parts of China proper and the consequent failure of China to meet its obligations under the treaty and associated agreements.

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POSSIBLE CHINESE CHARGES AND SOVIET COUNTER-CHARGES CONCERNING VIOLATIONS OF THE SINO-SOVIET TREATY AND AGREEMENTS OF AUGUST 14, 1945

I. INTRODUCTION

It may prove difficult for either the Chinese or the Soviet Government to prove overt violations of the terms of the Sino-Soviet Treaty and Agreements of August 14, 1945.[1] The Soviet Union has tried to maintain a technically "correct" attitude toward the Chinese Government in spite of its avowed sympathies for the Chinese Communists. Its actions have often been justified by recourse to legalisms and technicalities or have been veiled through the use of non-governmental organs (e.g., the Communist Party) or through dealings with puppet and semi-autonomous regimes (as in Outer Mongolia, Inner Mongolia, Hulunbuir [the former Heingan Province in Manchuria], Ili [northern Sinkiang], Dairen, and Port Arthur). The Chinese Government has been unable to assume

1. The "Treaty of Friendship and Alliance Between the Republic of China and the U.S.S.R.," the "Exchange of Notes Relating to the Treaty of Friendship and Alliance," the "Exchange of Notes on Outer Mongolia," the "Agreement Concerning Dairen," the "Protocol to the Agreement on Dairen," the "Agreement on Port Arthur," the "Appendix to 'Agreement on Port Arthur'," the "Agreement Regarding Relations between the Chinese Administration and the Commander-in-Chief of the Soviet Forces after the Entry of Soviet Troops into the 'Three Eastern Provinces' of China during the Present Joint Military Operations against Japan," the "Agreement Between the Republic of China and the U.S.S.R. Concerning the Chinese Changchun Railway," all dated August 14, 1945, and the minutes of a meeting held on July 11, 1945 between Generalissimo Stalin and T.V. Soong, constitute what is herein referred to as the Sino-Soviet Treaty and Agreements of August 14, 1945. See U.S. Department of State Bulletin, Vol. XIV, No. 348, February 10, 1946, pp. 201-208, for the English texts.

its responsibilities under the Sino-Soviet Treaty and Agreements because of obstacles placed in the way by the USSR (such as Soviet refusal to permit Chinese troops to enter the Dairen-Port Arthur area), because of civil war and the resulting administrative ineffectiveness of the National Government and because of the government's reluctance to give sanction to the Soviet policies in the Northeast once the intentions of the USSR in Manchuria became apparent.

In some cases the USSR attempted to shift to China the blame for non-implementation, as by the requests that the Chinese Government take over the administrations of Dairen and Port Arthur and join in the operation of the Chinese Changchun Railway. However, most of the conditions that have prevented the Chinese Government from fulfilling its obligations under the treaty have been either of Soviet manufacture or such that could easily have been remedied by the USSR through its influence with the Chinese Communists.

The principal provisions of the Sino-Soviet Treaty and Agreements relate to the Chinese Changchun Railway, the Port Arthur Naval Base Area, the port of Dairen, Outer Mongolia, and commitments by both parties to enter into no alliances or coalitions directed against the other and to "act according to the principles of mutual respect for their sovereignty and territorial integrity and of non-interference in the internal affairs of the other ... party." Some of these major terms of the treaty and agreements have been implemented in accordance with the spirit of the treaty.

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II. PRESENT STATUS OF THE PRINCIPAL PROVISIONS OF THE TREATY AND AGREEMENTS

A. The Chinese Changchun Railway

The Chinese Changchun Railway Agreement, signed by China and the USSR concurrently with the Sino-Soviet Treaty of August 14, 1945, provides for joint operation of the Chinese Changchun Railway ("the main trunk line of the Chinese Eastern Railway and the South Manchurian Railway from Manchuli to Suifenho and from Harbin to Dairen and Port Arthur") under a joint Sino-Soviet company. The agreement provides for joint operation of certain lands and industrial enterprises acquired or built by the railway during the time of Russian and joint Sino-Soviet administration. This clause is loosely worded, permitting a variety of interpretations, and may provide a pretext for Soviet participation in a great deal of the industry of the Northeast.[1]

The Chinese Changchun Railway Agreement has not been implemented. Preliminary efforts to define the assets included in the agreement have remained inconclusive. The USSR has requested that joint management of the operable sections of the railroad be delayed no further.[2] The Chinese Government has stated that joint management cannot be instituted until Chinese administrative authority is reestablished in Port Arthur

1. See ORE-4319, The Chinese Changchun Railway Agreement as a Basis for Soviet Economic Expansion in Manchuria, October 1, 1947, RESTRICTED.
2. Soviet Memorandum to Chinese Foreign Ministry, May 5, 1947, as cited in T-1030, Nanking, May 13, 1947, CONFIDENTIAL.

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and Dairen.[1] The railroad is probably now being operated under unilateral Soviet control. As far as is known, the USSR has not shared control over the railroad with the Chinese Communists. The Chinese Communists are reported to have accepted this situation, under which they are permitted full use of the railroad for military and other purposes but have no voice in its formal management. The role of the Chinese Communist "Northeast Railway Administration" in regard to the Chinese Changchun Railway is not known, although to date it has probably been limited to certain personnel and supply functions, including the training of railroad "cadres" to operate railroads in newly "liberated" areas. Presumably joint Soviet-Chinese Communist operation of the railroad is contemplated after Soviet recognition of a Communist "People's Coalition Government of China."

The USSR may claim that its present unilateral control of the railroad is legalistically "correct," given the inability of the National Government to assume its obligations, but in practice the railroad is being operated to the advantage of the Chinese Communists, who have full use of the railroad facilities and benefit by the superior technical and managerial ability of the Soviet railroad personnel.

1. Chinese Memorandum to the Soviet Embassy in Nanking, March 31, 1947, as cited in D-97, Moscow, April 4, 1947, UNCLASSIFIED, and Chinese Note to the Government of the USSR, April 16, 1947, as cited in T-854, Nanking, April 20, 1947, CONFIDENTIAL.

B. Dairen and Port Arthur

Under the terms of the Sino-Soviet Agreements on Dairen and Port Arthur, the Port Arthur Naval Base is to be used jointly by China and the USSR. Defense of the base was entrusted to the USSR, but civil administration was to be exercised by the Government of China "taking into account Soviet interests in the area." Dairen City was not to be a part of the Port Arthur Naval Base Area and was to be administered by the Chinese Government without restriction, although in the event of war with Japan Dairen was to become "subject to the Soviet military supervision or control" established in Port Arthur.

These agreements have not been implemented, principally due to the differences between the Chinese and Soviet Governments over interpretation of the terms of the agreements. The USSR holds that a state of war continues to exist with Japan and that consequently Dairen is subject to Soviet military regulation. The USSR has claimed the right to exclude Chinese troops from Dairen and Port Arthur under the provisions by which the USSR is entrusted with the defense of Port Arthur. The Chinese Government has held that a state of war with Japan no longer exists "in actuality" and that even in the event of war China is entitled to send troops to Port Arthur and Dairen.

Although the Soviet Union has requested the Chinese Government to take over the civil administration of Dairen and Port Arthur[1] and although long negotiations for the take-over were conducted between the USSR and

1. Aide-Memoire from Soviet Embassy to Chinese Minister of Foreign Affairs, Enclosure No. 2, D-610, Nanking, April 4, 1947, SECRET.

China during 1947, no agreement has been reached. China has consistently refused to accept the limitations to its sovereignty over Dairen and Port Arthur that the USSR has made conditions of the take-over.

At present Dairen and Port Arthur are governed by Soviet-sponsored local administrations that have come under increasing Chinese Communist influence -- particularly since April 1949, when the Chinese Communist Party came into the open in the area. These local administrations are not technically under the jurisdiction of the recently formed Chinese Communist Northeast People's Government," although officials of the Dairen-Port Arthur administrations are participating in that government. Present indications are that Dairen may become more closely integrated with the Communist government in Manchuria in the near future, possibly after Soviet recognition of a Communist "People's Coalition Government of China."[1] Meanwhile, these administrations remain "interim" administrations until the Chinese Government is able to take over.[2]

The port facilities of Dairen are under Soviet control. The harbor-master is a Soviet national, as provided in the "Agreement Concerning Dairen," but there is no participation in the management of the port by the Chinese Government. On August 15, 1947 the Chinese Government ordered the port of Dairen closed to all foreign shipping until such time as the Chinese Government should be able to take over the administration of the city. This order has not been observed by the Dairen authorities, and a number of Soviet and other vessels have used the Dairen port.

1. See T-272, Dairen, September 6, 1949, SECRET.
2. See OIR-4952(PV), Background of the Present Status of Dairen and Port Arthur, May 4, 1949, SECRET

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The USSR has gained control over much of the industry and resources of the Dairen-Port Arthur area and is exploiting them largely for its own benefit under Soviet economic planning and administration.[1]

1. See D-SE, Dairen, July 8, 1949, SECRET.

C. Soviet Aid to the Chinese Communists

The Sino-Soviet Treaty provides that neither party shall conclude any alliance or take part in any coalition directed against the other party. The treaty further provides for mutual military aid during the war against Japan and for mutual postwar economic aid.

There has been little evidence of direct Soviet military aid to the Chinese Communists in violation of these terms. There has, however, been strong circumstantial evidence that the Chinese Communists received indirect military aid from the USSR, particularly in Manchuria after the Japanese surrender, when the Chinese Communists were able to obtain large quantities of Japanese arms.

The fact that the USSR has rendered Nationalist China no economic or other aid during the postwar period, as provided in the Sino-Soviet treaty, will probably not be cited as a Soviet violation of the treaty, since this provision is phrased in very general terms and provides for mutual aid. There is no evidence of outright economic aid by the USSR to the Chinese Communists, other than purely commercial transactions of unknown magnitude that could probably not be considered treaty violations.

Reports of direct military intervention in the Chinese civil war by Soviet troops have never been confirmed, although the Chinese Government has charged that USSR and Outer Mongolian troops have violated the borders of Sinkiang and Inner Mongolia.

D. Outer Mongolia (The Mongolian People's Republic)

In an exchange of notes appended to the Sino-Soviet Treaty, the Chinese Government declared that it would recognize the independence of

Outer Mongolia if, after the defeat of Japan, a plebiscite should confirm the desire for independence of the people of Outer Mongolia. A plebiscite was held on October 20, 1945. The official announcement from Ulan Bator stated that 400,074 persons had voted unanimously for independence. In spite of doubts regarding the manner in which the plebiscite had been conducted, the Chinese Government accepted the result. On January 5, 1946 China recognized the independence of the Mongolian People's Republic, and on February 14, 1946 an agreement was reached between China and the Mongolian People's Republic concerning diplomatic relations.[1] This agreement was not implemented owing to the friction that developed between the two governments over charges of Mongolian violations of the Chinese border in Sinkiang, Mongolian counter-charges of Chinese violations of the Outer Mongolian border, and subsequent Chinese doubts concerning the true independence of the Mongolian People's Republic.

Although the USSR recognizes the independence of the Mongolian People's Republic, large numbers of Soviet officials, technicians, and troops are active in the area of Outer Mongolia. The government of the Mongolian People's Republic follows the direction of Moscow, and its foreign relations with countries other than Soviet satellites are either non-existent or handled through the USSR.

E. Violations of Chinese Sovereignty

Article V of the Sino-Soviet Treaty provides that:

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1. D-1257, Chungking, April 10, 1946, RESTRICTED.

> "The High Contracting Parties ... agree to work together in close and friendly collaboration after the coming of peace and to act according to the principles of mutual respect for their sovereignty and territorial integrity and of non-interference in the internal affairs of the other contracting party."

Practically the entire record of Soviet activities in China and especially in Manchuria since the end of the war has been in violation of at least the spirit of this article. Respect for China's sovereignty was promised at Yalta, was made a cardinal point of the Sino-Soviet Treaty, and was further emphasized in an exchange of notes (appended to the treaty) making specific reference to the sovereignty of China over Sinkiang and Manchuria and to the National Government as the central government of China. The list of Soviet acts that can be interpreted as violations of Chinese sovereignty is an impressive one, ranging from the initial removals of industrial plants as "war booty" to the continuing unilateral control over Dairen, Port Arthur, and the Chinese Changchun Railway and associated industrial properties. It includes such actions as the indirect Soviet backing of a semi autonomous Mongol regime in the former Hsingan province of Manchuria (Hulunbuir) and the probable Soviet support of the rebel Ili regime in northern Sinkiang.

The provisions of the Sino-Soviet Treaty for "friendly collaboration" between the USSR and China have been violated in spirit if not in letter by the consistent support of the Soviet propaganda machine for the Chinese Communists and by Soviet propaganda attacks on the Chinese Nationalist regime. This has undoubtedly aided the Chinese Communists, although the USSR could presumably claim that such propaganda is not in violation of the treaty, which

[redacted]

makes no specific reference to propaganda. (The 1924 treaties between the USSR and the Peking government and between the USSR and the "Autonomous Government of the Three Eastern Provinces" specifically prohibit against propaganda directed by either party against the other.)

[redacted]

recognized government.

It is probable that charges of Soviet violations of Chinese sovereignty would be countered with references to the record of diplomatic relations between the USSR and the National Government of China.

F. Diplomatic Relations between the USSR and China

The Soviet Union has pursued a meticulously "correct" course in regard to its diplomatic relations with the National Government of China. The Soviet Union was the only power to withdraw its embassy from Nanking to Canton at the request of the National Government. The USSR has maintained no consulates in Communist territory, and even Soviet "information offices" were "voluntarily" closed before the closing of the USIS offices. After the evacuation of the Chinese Government to Canton the USSR continued to negotiate with Nationalist officials over Soviet economic and commercial privileges in Sinkiang.

Soviet relations with China have been "correct" only on the surface, however. The Soviet Information Offices have been replaced by "Sino-Soviet Friendship Associations" that are sponsored by the local Communist authorities and engage in a much wider sphere of activities than the Information Offices. Other dealings between the USSR and Communist China probably are handled through the connection with Moscow of the Chinese Communist Party and of the Chinese Communist secret police and through technical and commercial representatives.

The recently announced trade agreement between the USSR and the Communist administration of Manchuria has been protested by the Chinese Government as a violation of the Sino-Soviet Treaty. This agreement appears to be purely commercial, but is the closest the USSR has come to diplomatic relations with the Chinese Communists. Soviet officials may conceivably argue, however, that the agreement is a perfectly proper one, made with local authorities in the absence of de facto control by the

III. SOVIET ACTIVITIES THAT MIGHT BE INTERPRETED AS VIOLATIONS OF THE SINO-SOVIET TREATY AND AGREEMENTS

The Chinese Government, in presenting a case against the USSR before the United Nations, may make use of many of the Soviet actions involved in the non-implementation of the principal provisions of the Sino-Soviet Treaty and Agreements described above. Evidences of the specific Soviet actions are not in all cases conclusive and no implication is made that these actions necessarily constitute violations; the following are listed merely as among the points the Chinese Government may cite.

A. The Chinese Changchun Railway

1. Soviet control, without participation by the Chinese National Government, over the Chinese Changchun Railway and associated industrial properties.

2. Reported presence of Soviet railroad guards on the properties of the Chinese Changchun Railway in Manchuria.

3. Utilization of the railroad to the advantage of the Chinese Communists.

B. Dairen and Port Arthur

1. Soviet refusal to permit Chinese troops to enter the Port Arthur-Dairen area.

2. Continued Soviet military supervision of the civil administration of Dairen, on the pretext that a state of war with Japan continues to exist.

3. Soviet control of the Dairen port facilities and refusal of the port authorities to comply with the order of the the Chinese Government closing Dairen to all foreign shipping.